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SUBJECT: SLOVENIA: INTERIOR MINISTER HIGHLIGHTS REGIONAL LAW ENFORCEMENT COOPERATION, BILATERAL ASSISTANCE, AND RATIONALE FOR ASYLUM REFORMS.

REF: A. A) LJUBLJANA 109
[B. B\)](#) LJUBLJANA 192

[¶1.](#) (SBU) Summary: At an April 13 lunch hosted by COM Minister of Interior Dragutin Mate discussed Slovenia's regional anti-crime efforts and bilateral assistance to Macedonia; recent changes in the asylum law; latest thinking on dealing with the "erased," and the Hoehn-Saric case, a denationalization case involving an American citizen. On the asylum law, Mate said that Slovenia has simplified and brought its procedures in line with EU norms and in the process, shut down an easy route for alien smugglers and illegal employers of cheap labor. On the "erased" Mate said the GOS prefers a constitutional solution to avoid never-ending court appeals and is concerned about budgetary impacts should the opposition have citizenship/residency status for all made retroactive to 1992. Mate also addressed denationalization cases, and the Hoehn-Saric case in particular. The Ambassador explained to Minister Mate the confusion in Washington over his letter to DHS Secretary Chertoff and assured him a response was forthcoming. End Summary.

Regional Cooperation on anti-Crime Efforts

[¶14.](#) (SBU) Minister Mate described for COM the "Brdo Process," which Slovenia conducts in partnership with Austria, as an expert-level series of meetings throughout the year that encompasses the countries of south east Europe region. Members include Greece, Turkey, Bulgaria, Romania as well as the former Yugoslav states and Albania. The GOS is currently planning with Austria an October meeting which will focus on cross-border issues including terrorism and trafficking in persons. Mate responded positively to COM suggestion that they invite US experts to attend/address the meeting. He cautioned that to avoid ruffling the feathers of some members who might resent American involvement in their regional process, he would likely want to invite the U.K. and Spain as well.

Assisting Macedonia to Meet EU Criteria

[¶15.](#) (SBU) According to Mate, Macedonia is open to receiving assistance and guidance from Slovenia on meeting EU standards. Mate explained that Slovenia still has strong credibility in Macedonia and the Macedonians are eager to

enhance this partnership. Mate said he would also like to work through the local OSCE mission, but would want to know precisely what the OSCE wants from his ministry. Mate says he has a good relationship with the local Deputy Head of Mission and thinks they'll work something out.

Alternatively, the GOS is willing to work on a strictly bilateral basis. Interestingly, Slovenia is applying lessons learned in Jordan to its work in Macedonia. Mate said that while they did a good job training Iraqi police in all the latest methods and procedures, when they would send them back to their home bases, their supervisors, who had had no training, would often resist the introduction of new ideas and approaches to police work. As a consequence, in Macedonia the Slovene trainers were making a concerted efforts to train management and supervisors along with rank and file to avoid this kind of conflict.

Asylum Procedures

¶6. (SBU) Recent changes to the asylum law have gotten negative press (Ref A), and Mate was eager to provide some insight into GOS motivation for the changes. Mate acknowledged that Slovenia had had one of the most liberal asylum laws in Europe, but when it joined the EU, this open policy became subject to massive abuse as alien smugglers saw an easy way in to the European Union. To illustrate this abuse, Mate offered a few statistics. In 2005, 5600 illegal immigrants arrived at Slovene borders, and of these 1700 claimed asylum. Of those 1700, only 26 received asylum. The majority of the remaining 1674 left the asylum center after receiving a shower, food and clothes, but before officially registering their claim of asylum. According to Mate, illegal alien smugglers had found a "niche" in Slovenian law,

by which legal authorities would transport their clients (whom they coached to claim asylum) the 200 miles from the border to the asylum facilities in Ljubljana. After a shower, hot meal and good night's rest, the alien smugglers would pick them up the next day and continue the journey. In another example, Mate said that over the course of one seven-day period in 2005, 1300 people had asked for asylum, been brought to the center and disappeared before beginning the formal procedures. This was a clear signal the asylum procedure in Slovenia was broken.

¶7. (SBU) The asylum law was not only being abused by foreign alien smugglers, but also by Slovenian employers. Because of the liberal employment rules which allowed asylum seekers to begin working the day after arrival, Slovene employers who needed seasonal workers saw a cheap and efficient method for bringing those workers into the country legally. As described by Mate, busloads of people would arrive at the border and request asylum. Automatically, they would be told to proceed to the asylum center in Ljubljana. The same bus that brought them to the border would take them to Ljubljana.

Upon arrival, the "asylum seekers" would register, receive their work permits, be given a bed and three meals a day. They would never actively pursue their asylum cases. The next morning and every workday for the next three to four months, a bus would pick up all the "asylum seekers" and bring them to a factory or field to work. Then, at the end of the busy period or harvest season, they would all just disappear one day. The GOS needed to close this loop-hole and the way it did this was to restrict the right to work for the first year. It was not a popular move in the human rights community, but it further helps the GOS to determine if someone is a bona fide asylum seeker. Mate said there were ways for asylees to earn pocket money at the center if they wanted.

¶8. (SBU) In all of this, Mate said the border authorities had been and were continuing to receive training on how to identify legitimate asylum seekers. There are still safeguards. If someone claiming asylum is instead sent to the illegal alien center because the questioning officer was

not convinced of their claims, they have the right, once there, to request an interview with someone from the asylum center to make their case again. Mate said that the Ministry of Interior has also produced a brochure in 25 languages explaining the legal rights of asylum seekers in Slovenia. The intention of the recent revisions to the law were as much to ensure that legitimate asylum seekers received the attention and care they needed as to shut down an easy route for illegal smuggling and trafficking.

They are not "Erased," just Inactive

¶ 9. (SBU) When asked about the latest legislative proposals on the "erased," Mate explained a bit of the history which had brought Slovenia to the current situation. Mate said that, in fact, noone had ever been removed or "erased" from any list, rather for various reasons (as explained in Ref B) some people never made it on to one of the "active" lists of either citizens or legal residents. The GOS is very interested in finally resolving a problem the previous government never successfully addressed over the 12 years it was in charge. Mate said the GOS wanted a constitutional solution to what had been a constitutional failure in the first place, and going this route would also ensure that the ruling would not get hung up in the interminable appeals process of the regular courts. A key sticking point between the GOS and the opposition was how far back legal status should be applied retroactively. The opposition claims that for all 18 thousand who missed the original deadline, status should be applied retroactively to 1992. The GOS wants it to be applied retroactively to the date on which an individual first applied for citizenship. The difference in financial impact on the GOS would be significant.

¶ 10. (U) An interesting side note is that Mate, himself, was born by chance in Croatia. His parents, Slovenes, were on their way to visiting relatives in Croatia when Mate's mother unexpectedly went into labor. In 1992, when Mate was working at the Ministry of Defense, one of his colleagues pointed out to him that he needed to secure his citizenship, which he did.

Hoehn-Saric Denationalization Case

¶ 11. (SBU) COM had sent a letter to Minister Mate on February 6 requesting expeditious resolution of a denationalization case involving elderly Amcit Rudolf Hoehn-Saric. The case has been pending since 1991 and hinges on whether Hoehn-Saric is considered to have been a Slovene citizen at the time the property was expropriated by the state in 1948, and if so, whether he was considered to be a minor. This case is particularly sensitive because it involves extensive property which contains the source of Slovenia's best known mineral drinking water which the Hoehn-Saric family had bottled, and there is now also a popular and profitable thermal spa. Mate apologized that he had not gotten back to the Ambassador, and that, in fact an answer was on his desk and had been for two weeks. He was delaying that response because he was drafting new instructions for those within the ministry to use when considering this case. He hoped these new instructions would solve the case once and for all. Mate was not forthcoming with details of those instructions, and the Ambassador still has not received a reply to his February letter. Mate also noted that of the 215 denationalization cases involving questions of citizenship/nationality, only 12 remain unresolved.

Comment

¶ 12. (SBU) Mate was, as usual, relaxed and open about the numerous issues for which he and his ministry have

responsibility. We should continue to encourage Mate and the GOS to continue with the positive work they are doing in the region through the Brdo Process and, bilaterally with Macedonia. This is the type of positive influence Slovenia should be spreading as a new member of the EU and NATO and a former member of SFR Yugoslavia. Mate and the GOS are struggling with some negative press generated, in part, by opposition political parties who themselves failed to resolve the tricky issue of the "erased." Mate's review of this problem and his candor about financial implications seem to show that the GOS is sincere in its efforts to come to a final resolution. Slovenia prides itself on its human rights record and, in fact, is running for a seat on the UN Human Rights Council. Mate's elaboration of the reasoning behind the recent changes in the asylum law are intended to reassure us that while it is now somewhat more difficult to claim asylum status in Slovenia, once an asylee's bona fides are established, he is given all the legal and social support available necessary to pursue his claim in Slovene courts. Finally, we hope that Mate is seriously considering COMs request for a fair, swift and final outcome on the Hoehn-Saric case. However, as it involves some choice real estate, and now very successful businesses, there will be intense pressure to protect the interests of the Slovenian stakeholders.

ROBERTSON